

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

JENNIFER SPELL,

Plaintiff,

v.

CV 2:24-069

COUNTY OF JEFF DAVIS, GEORGIA;
PRESTON BOHANNON, Individually
and in his capacity as Sheriff
of the Jeff Davis Sheriff's
Office; and SCOTT NUNN,
Individually and in his
capacity as Deputy with the
Jeff Davis Sheriff's Office,

Defendants.

ORDER

Plaintiff initiated this civil rights action on May 21, 2024. Dkt. No. 1. On June 28, 2024, Defendants moved to dismiss, in part, Plaintiff's complaint. Dkt. No. 4. On July 10, 2024, Plaintiff filed an amended complaint. Dkt. No. 6. For the reasons below, Defendants' motion to dismiss is **DENIED as moot**.

LEGAL STANDARD

A party may amend its pleading once as a matter of course "within 21 days after serving it" or, "if a responsive pleading is required, within 21 days after service of a responsive pleading or motion under Rule 12(b), (e), or (f) [of the Federal Rules of Civil Procedure], whichever is earlier." Fed. R. Civ. P. 15(a)(1). An

amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").


DISCUSSION

Plaintiff timely filed her amended complaint as a matter of course pursuant to Rule 15(a)(1). Further, Plaintiff's amended complaint supersedes her original complaint. Defendants' motion to dismiss the original complaint, dkt. no. 4, has thus been rendered moot by Plaintiff's filing of her amended complaint. Should Defendants wish to renew their motion to dismiss with regard to the amended complaint, they are granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

Defendants' motion to dismiss the original complaint, dkt. no. 4, is **DENIED as moot**. Defendants' motion to stay, dkt. no. 5, is also **DENIED as moot**.

SO ORDERED, this 11 day of July, 2024.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA